

REMARKS/ARGUMENTS

The present application has been reviewed in light of the Office Action mailed January 12, 2005. Claims 5, 12, 16 and 20-49 are currently pending in the application, claims 1-4, 6-11, 13-15, and 17-19 having been previously canceled, and claims 22, 28 and 39 having been amended herein. Reconsideration of the present application, as amended, is respectfully requested.

Applicant acknowledges that claims 22, 28 and 39 have been objected to as containing a minor informality. Each of claims 22, 28 and 39 have been amended herein in a manner which is believed will overcome the objection of said claims. Accordingly, in view of the amendments to claims 22, 28 and 39, it is respectfully submitted that the objection of claims 22, 28 and 39 has been overcome.

Claims 5, 12, 16 and 20-49 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,672,022 to Simmons. Applicant respectfully submits that Simmons '022 is an invalid and/or improper 35 U.S.C. §102(b) reference.

In order for a reference to qualify as prior art under 35 U.S.C. §102(b), the publication date or issue date of the reference must be more than one (1) year prior to the effective filing date of the application. (see MPEP §706.02).

As evidenced by the filing receipt, the present application is a Continuation Application which claims the benefit of and priority to U.S. Application Serial No. 09/706,634, filed November 6, 2000, which claims the benefit of and priority to U.S.

Provisional Application No. 60/163,910, filed November 5, 1999. Accordingly, the "effective filing date" of the present application is November 5, 1999, the date of the filing of the provisional application. Applicant respectfully submits that support for the pending claims may be found throughout the Provisional Application as filed on November 5, 1999.

The earliest publication date of Simmons '022, as evidenced by the first page of the patent, is January 10, 2002. Accordingly, the publication date of Simmons '022 is after the "effective filing date" of the present application.

Applicant therefore respectfully submits that the rejection of claims 5, 12, 16 and 20-49 under 35 U.S.C. §102(b), as being anticipated by U.S. Patent 6,672,022 to Simmons, is in error and should be withdrawn.

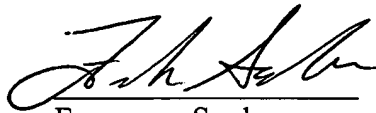
In view of the arguments presented above, Applicant respectfully submits that the rejection of claims 5, 12, 16 and 20-49 under 35 U.S.C. §102(b), as being anticipated by U.S. Patent 6,672,022 to Simmons, has been rendered moot.

Accordingly, in view of the amendments made to the claims herein and in view of the arguments/remarks presented above, Applicant respectfully submits that each of the objections and rejections of the claims in the present Office Action has been overcome or rendered moot. Accordingly, it is respectfully submitted that the present application has been placed in condition for allowance.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicants' undersigned representative at the number indicated below.

An early and favorable response is earnestly solicited.

Respectfully submitted,



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